



## Cowlitz 911 Public Records Policy

### **SUBJECT: PUBLIC RECORDS ACT**

#### **A. Policy**

Cowlitz 911 provides full access to information concerning the conduct of government, being mindful of both individuals' privacy rights and the desirability of the efficient administration of government. Cowlitz 911 has established procedures that are designed to assist members of the public in obtaining such access. This directive will be interpreted in favor of disclosure.

#### **B. Procedures**

##### **1. Authority and Purpose**

The Revised Code of Washington (RCW) 45.56, "Public Records Act" (the act) requires each agency to make available for inspection and reproduction non-exempt "public records" in accordance with governmental guidelines.

- a) "Public Record" means any "writing containing information relating to the conduct of government or performance of any governmental or proprietary function prepared, owned, used or retained" by the agency.
- b) Cowlitz 911 has an assigned Public Records Officer who oversees compliance with the act, but other Cowlitz 911 staff members may assist in processing requests.
- c) In accordance with the act, the public records officer or designee and Cowlitz 911 will do the following:
  - a. Provide the "fullest assistance" to requestors.
  - b. Create and maintain an index to Cowlitz 911's public records.
  - c. Ensure that public records are protected from damage or disorganization.

##### **2. Making a Request for Public Records**

- a) Any person wishing to inspect or obtain copies of public records maintained by Cowlitz 911 should submit a request using the Cowlitz 911 online records request system, NextRequest, located on the Cowlitz 911 website, [www.cowlitz911.org](http://www.cowlitz911.org). Requestors may also complete a paper form at Cowlitz 911, call the designated public records officer at (360)762-6824, send a letter, fax, or email addressed to the Cowlitz 911 public records officer, [bakerd@cowlitz911.org](mailto:bakerd@cowlitz911.org). When making a

request for records, the requestor should expect to provide the following information:

- i. Name of requestor or contact point
  - ii. Address of the requestor (not mandatory)
  - iii. Contact information, including telephone number and email address (not mandatory). Note - information needs to be sufficient to be able to provide or let the requesting party know when and how to be able to access the public records requested. (e.g., the requesting party may state they will call back to see if the responsive records are available).
  - iv. Identification of the public records adequate for the public records officer or designee to locate the records.
  - v. The date and time of day of the request.
- b. The public records officer or designee may accept requests for public records by telephone or in person. If the public records officer or designee accepts such a request, they will confirm receipt of the information and the substance of the request in writing.

### 3. Processing of Public Record Requests

- a. *Providing the "Fullest Assistance"*. The public records officer or designee will process requests in the order that allows the more requests to be processed in the most efficient manner while preventing excessive interference with other essential functions of Cowlitz 911.
- b. *Acknowledging Receipt of Request*. Within five business days of receipt of the request, the public records officer shall do one or more of the following:
  - i. Make the records available for inspection or copying.
  - ii. Provide copies of the responsive records to the requestor.
  - iii. Provide reasonable estimate of record availability.
  - iv. Deny the request, providing the reason for denial.
- c. *Seeking Clarification*. If the request is unclear or does not sufficiently identify the requested records, the public records officer or designee will seek clarification from the requestor. Additional time required to respond to a request may be based on the need to clarify the intent of the request. If the requestor fails to clarify the request, the public records officer need not respond to it and may inform the requestor that their request has been closed due to insufficient information.
- d. *High Profile Requests* – When processing a public records request that has the potential to be a high-profile call (calls involving investigations, high profile individuals and sensitive locations like schools, public facilities, hospitals, etc.) should be brought to the attention of the Director and Operations Manager.
- e. *Records Exempt from Disclosure*. Some records are exempt from disclosure, in whole or in part.

Cowlitz 911 will evaluate each request on a case-by-case basis. Information that is commonly redacted from CAD event records provided to requesters include: Active investigations, gate/door/lockbox/key box/access, social security numbers, personal cell phone numbers of government employees, driver's license numbers, identifying information of individuals that call 911 and request to be anonymous, and identifying information for juvenile victims of sex crimes. 911 audio recordings are not provided on phone calls that include callers that request to be anonymous and juvenile victims of sex crimes.

If Cowlitz 911 believes a record is exempt from disclosure and should be withheld or redacted, the public records officer will do the following:

- i. State the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld citing the related Public Records Act section, RCW or other statute.
- ii. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

Cowlitz 911 does not withhold or redact any records requested from law enforcement agencies or prosecuting attorneys.

- f. *Inspection of Records.* Cowlitz 911 shall provide space to inspect public records upon request.
  - i. If a requestor wishes to inspect original records at Cowlitz 911's facility rather than receive copies of records, the requestor may contact the public records officer to make arrangements to inspect records.
- g. *Providing Copies of Records.* In most cases, the public records officer will respond to requests for public records by providing the requestor with electronic copies of the responsive records via the online records request system. Whenever possible, copies of records will be provided in their native, electronic format.
- h. *Providing Records in Installments.* When the request is for a large number of records, the public records officer or designee may provide responsive records in installments, if they reasonably determine that it would be practical to provide the records in that way.
  - i. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and shall provide written notice to the requestor that the request is considered abandoned and closed for failure to pick up or inspect within the 30-day timeframe required.

*Closing Withdrawn or Abandoned Request.* When the requestor either withdraws the request or if, within thirty days, the requestor fails to claim or review the records or make other arrangements, the public records officer or designee shall provide written notice to the requestor that the

request is considered abandoned and closed for failure to pick up or inspect within the 30-day timeframe required.

- i. *Later-discovered documents.* If, after Cowlitz 911 has informed the requestor that it has provided all available records, Cowlitz 911 becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis. This will not restart the retention period for the records request, the original closure date will remain the same.

4. Review of Denials of Public Records

- a. *Petition for Internal Administrative Review of Denial of Access.* Any person who objects to the initial denial or partial denial of a records request may petition in writing (including e-mail) to the public records officer for a review of that decision. The petition shall include a copy of or reasonably the written statement by the public records officer or designee denying the request.
- b. *Consideration of Petition for Review.* The public records officer shall promptly provide the petition and any other relevant information to the Cowlitz 911's Director. The Director will do the following:
  - i. Immediately consider the petition and either affirm or reverse the denial within two business days following Cowlitz 911's receipt of the petition.
  - ii. Within such other time as Cowlitz 911 and the requestor mutually agree to.
- c. *Judicial Review.* Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.540 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

5. Training.

The Public Records Act is complicated, and compliance requires training. Cowlitz 911 should provide on-going training to the following employees.

- a. All managers, supervisors and the public records officer of Cowlitz 911 shall receive public records training through Washington Secretary of State, State Archives Division or the Washington Cities Insurance Authority.
- b. The Agency public records officer shall receive on-going training. Applicable information learned will be shared with other Agency staff members.
- c. All Cowlitz 911 employees shall receive basic training on public records compliance and record retention.

6. Fee Schedule

- a. Cowlitz 911 will charge for copies of public records according to the fee structure identified in the Public Records Act.
  - i. Cowlitz 911 shall charge:
    - 1. Standard paper copies - \$0.15 per page.
    - 2. Scanned records - \$0.10 per page.
    - 3. Records uploaded to emails, or other means of electronic delivery - \$0.05.

4. Records transmitted in electronic format or for use of Cowlitz 911 equipment to send records electronically - \$0.10 per gigabyte.
  5. Digital media storage or devices - actual cost. Cowlitz 911 will not accept personal digital media storage devices. Records released will be downloaded on a USB hard drive provided by Cowlitz 911.
  6. Postage or delivery charges – actual cost.
- b. For large requests, or if the estimated costs of reproducing the requested records is over \$25, Cowlitz 911 reserves the right to collect a 10% deposit of the estimated fee before beginning work on the request. After the deposit is received, the public records officer or designee will commence work. Once the records are available, final charges minus the deposit amount are due. Records will be provided after full payment is received.
  - c. Cowlitz 911 shall wave fees that amount to less than \$5.00.
  - d. Cowlitz requires payments to be made by check or cashiers check only and to be made out to Cowlitz 911 with “Public Records” in the memo line. Checks can be delivered in person to Cowlitz 911’s business office or mailed at 2790 Ocean Beach Hwy Longview, WA 98632.
  - e. Government agencies, as defined by Cowlitz 911, shall not incur charges for public records requests. Cowlitz 911 director is also vested with the authority to waive fees for other public agencies.

## **COWLITZ 911 BOARD OF DIRECTORS**

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Co-Chair of the Board, Alan Headley

ATTEST:

APPROVED AS TO FORM:

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Clerk of the Board, Briana Harvil

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General Counsel, Frank Randolph

